

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37857 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- MAHILA P.S District- Supaul

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UMESH YADAV S/o Nathuni Yadav R/o village- Bela, P.S. and District-
Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-11-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 376(D)/34 of the Indian Penal Code and u/s 4 of POCSO Act.

As per the prosecution case, this petitioner along with other accused persons committed rape with minor daughter of the informant.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that the prosecution case has been launched on the basis of L.T.I. of the informant and the same has not been read over to the informant and the same cannot be believed. The victim was examined by the doctor and the doctor assessed her age between 16-18 years and no sign of rape was



found on the victim and in view of statement of victim u/s 161 of the Cr. P. C. coupled with medical report the prosecution case is demolished. Petitioner claims clean antecedent and is in custody since 24.04.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that the victim in her statement u/s 164 of the Cr. P. C. supported the prosecution case and the doctor assessed the age of victim between 16-18 years.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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